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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS

In re Patent Application of:)
FLICK) Examiner: M. BROOKS
Serial No. 10/085,403) Art Unit: 3629
Filing Date: FEBRUARY 28, 2002) Attorney Docket No. 58122
For: METHOD AND SYSTEM OF PROVIDING)
A CUSTOMER-SELECTED REMOTE)
CONTROL FEATURE PACKAGE IN A)
VEHICLE)

APPELLANT'S APPEAL BRIEF

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief together with the requisite \$510.00 large entity fee for filing a brief. If any additional extension and/or fee is required, authorization is given to charge Deposit Account No. 01-0484.

(1) Real Party in Interest

The real party in interest is Omega Patents, L.L.C., assignee of the present application as recorded at reel 013188, frame 0919.

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(2) Related Appeals and Interferences

At present there are no related appeals or interferences.

(3) Status of the Claims

Claims 1-32 are pending in the application, stand rejected, and are being appealed herein.

(4) Status of the Amendments

All amendments have been entered and there are no further pending amendments. A copy of the claims involved in this appeal is attached hereto as Appendix A.

(5) Summary of the Claimed Subject Matter

Independent Claim 1, for example, is directed to a method of providing a customer-selected remote control feature package in a vehicle. The method may include installing (Block 14) a universal remote control device in the vehicle. The universal remote control device may comprise a controller and a wireless receiver cooperating therewith for permitting wireless enabling of the customer-selected remote control feature package from among a plurality of possible remote control feature packages. The method may further include negotiating (Block 16) sale or lease of the vehicle with the customer. The negotiating of sale may comprise offering (Block 16a) the plurality of possible remote control feature packages to the customer,

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accepting (Blocks 16b-e) an order for the customer-selected remote control feature package from the customer, and enabling wirelessly (Block 18) the customer-selected remote control feature package for the universal remote control device. (See Figure 1, reproduced below, and Specification page 7, line 1 through page 11, line 15).

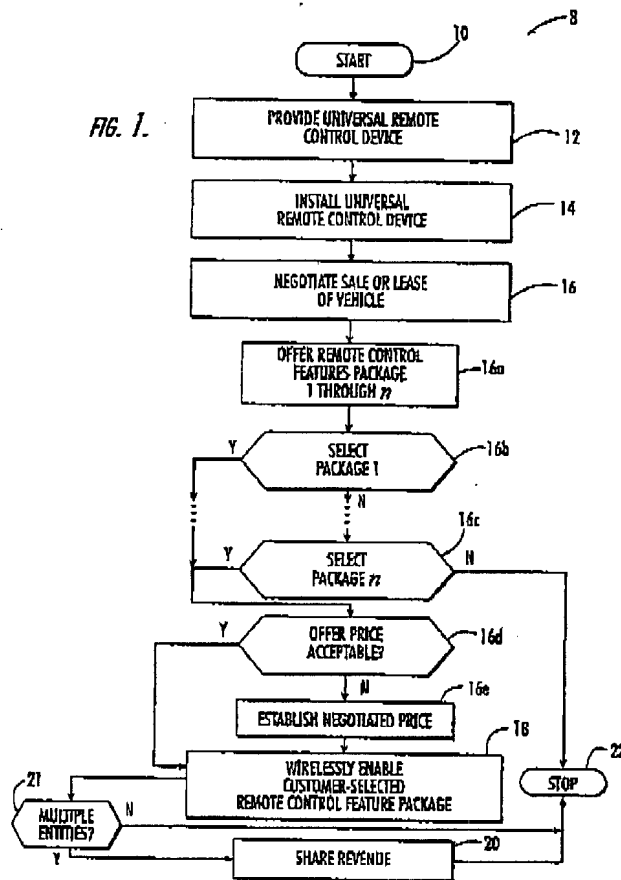


Figure 1 of the Present Application

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Independent Claim 16 is also directed to a method of providing a customer-selected remote control feature package in a vehicle. The method may comprise providing (Block 12) a universal remote control device comprising a controller and a wireless receiver cooperating therewith for permitting wireless enabling of the customer-selected remote control feature package from among a plurality of possible remote control feature packages, installing (Block 14) the universal remote control device in the vehicle, and negotiating (Block 16) sale or lease of the vehicle with the customer. The negotiating may comprise offering (Block 16a) the plurality of possible remote control feature packages to the customer, the plurality of possible remote control feature packages having respective different offering prices, and accepting (Blocks 16b-e) an order for the customer-selected remote control feature package from the customer. The customer-selected remote control feature package may have a negotiated price associated therewith. The negotiating may further include wirelessly enabling (Block 18) the customer-selected remote control package for the universal remote control device. The providing, installing, negotiating and wirelessly enabling are performed by a plurality of different entities. The method may also include sharing revenue (Block 20) among the different entities based on the negotiated customer-selected remote control feature package. (See Figure 1, reproduced above, and Specification page 7, line 1 through page 11, line 15).

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Independent Claim 27 is directed to a system 70 for providing a customer-selected remote control feature package in a vehicle 32. The system may comprise a universal remote control device 30 for installation in the vehicle. The universal remote control device may comprise a controller 34 and a wireless receiver 36 cooperating therewith for permitting wireless enabling of the customer-selected remote control feature package from among a plurality of possible remote control feature packages. The system may also include a customer-selected remote control feature package processing station 46 for receiving an order for the customer-selected remote control feature package, for wirelessly enabling the customer-selected remote control package for the universal remote control device based upon the order, and for sharing revenue among different entities based upon the customer-selected remote control feature package. (See Figures 2-4, reproduced below, and Specification page 11, line 16 through page 15, line 6).

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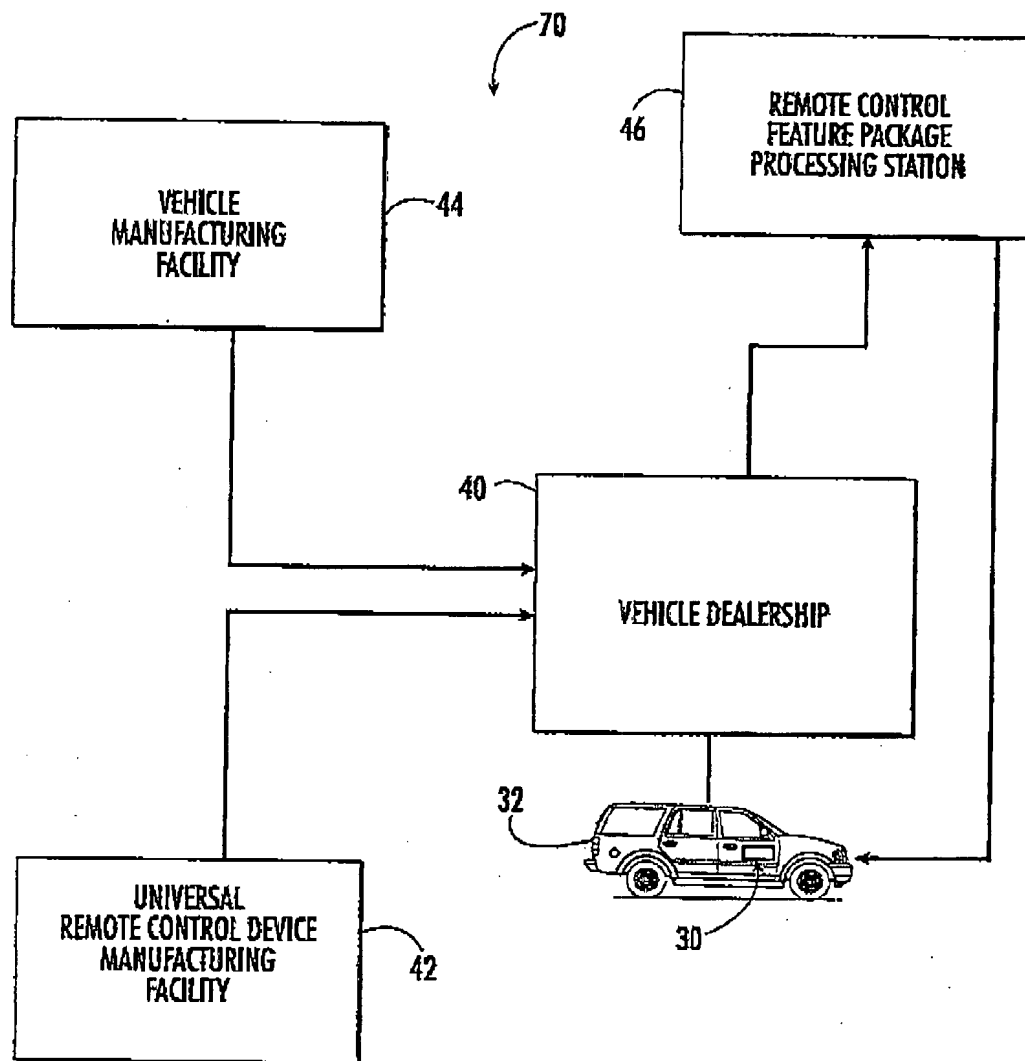


Figure 2 of the Present Application

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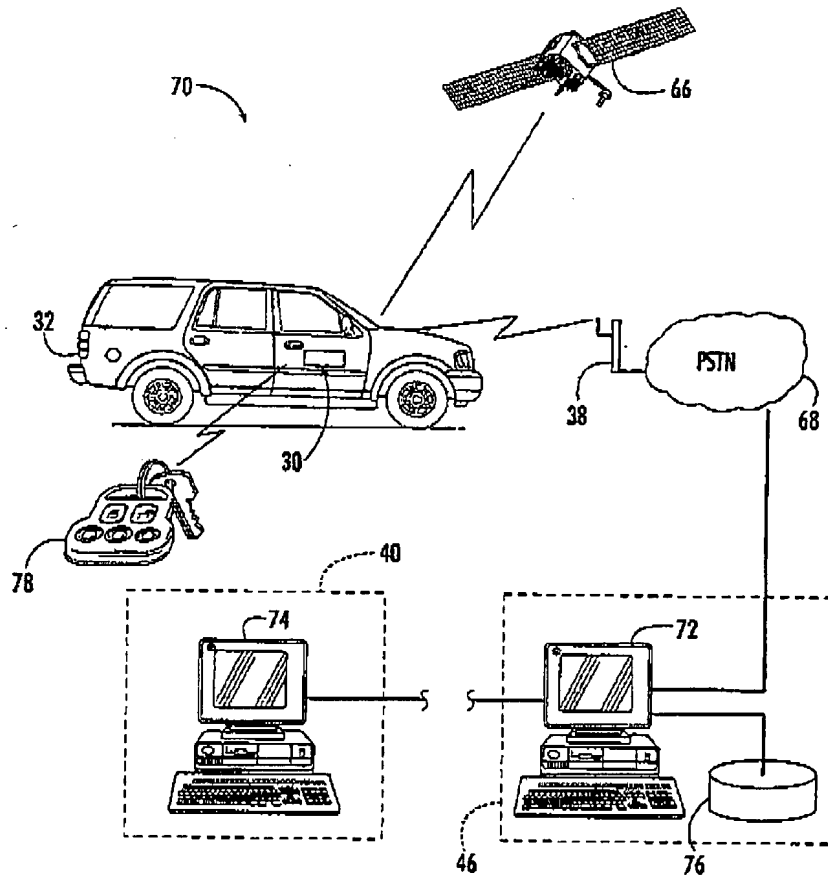


Figure 3 of the Present Application

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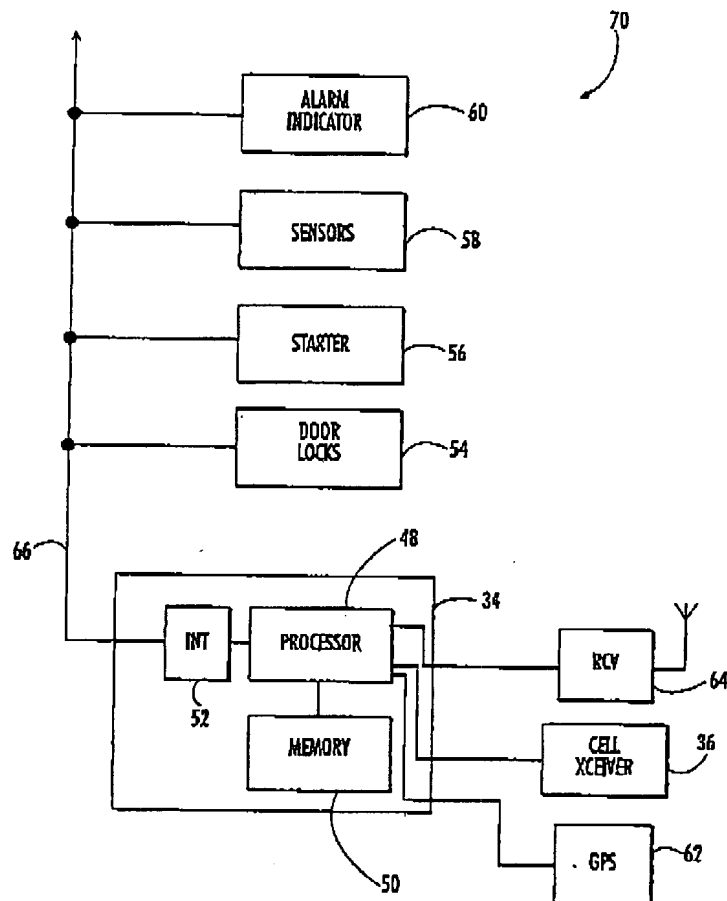


Figure 4 of the Present Application

(6) Grounds of Rejection to be Reviewed On Appeal

The Examiner rejected Claims 1-32 under 35 U.S.C. §102(e) over U.S. Patent No. 6,526,335 to Treyz et al.

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(7) Argument

Appellant thanks the Pre-Appeal Brief Conference Panel for correctly withdrawing the Examiner's indefiniteness rejections. As will be described in greater detail below, Appellant respectfully submits that the Examiner has mischaracterized the prior art and respectfully requests that the Board of Patent Appeals and Interferences (Board) reverse the Examiner on the remaining rejections.

The 35 U.S.C. §102(e) Rejection Over Treyz et al.

The Examiner rejected independent Claims 1, 16, and 27 over the Treyz et al. patent. Treyz et al. discloses an automobile personal computer capable of monitoring and controlling certain local vehicle peripherals, such as, an LCD display, a CD drive, a fingerprint identification reader, a digital camera, and a GPS receiver. (Col. 13, lines 52-67 & Col. 15, lines 11-53). Treyz et al. discloses wireless communication circuitry, (Col. 14, lines 57-58), and the ability to modify settings of the automobile personal computer from a remote location, but not the ability to change the number of controllable peripherals of the automobile personal computer. (Col. 20, lines 51-54). Further, Treyz et al. discloses the ability to remotely subscribe to digital audio satellite radio services, (Col. 22, lines 20-34), and the ability to remotely purchase products separate from the car, (Col. 57, line 60

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through Col. 58, line 10). Treyz et al. also discloses that the user may engage remote control features of the car in routine fashion, (Figure 44 & Col. 42, lines 26-37), but not the ability to wirelessly enable remote control features of the vehicle.

In contrast, independent Claims 1, 16, and 27 recite wirelessly enabling the customer-selected remote control feature package for the universal remote control device. As noted in dependent Claims 11, 13, 23, 29, and 30, the remote control feature packages may include, for example, a security, remote keyless entry, a remote engine starting, and a GPS receiver. Although Treyz et al. teaches wirelessly enabling satellite radio and a vehicle with remote control features, Treyz et al. does not expressly or inherently disclose wirelessly enabling remote control features as claimed. Accordingly, independent Claims 1, 16, and 27 are patentable over Treyz et al. for this reason alone.

As discussed above, the Treyz et al. patent discloses the ability to use the automobile personal computer to purchase products outside the vehicle for items, such as, fuel, food, or gas. (Col. 57, lines 2-9). The Treyz et al. patent further discloses the vehicle user having the capability to remotely purchase audiovisual entertainment while in the vehicle. (Col. 23, lines 3-16).

In contrast, the claimed invention includes, as recited in independent Claims 1 and 16, negotiating sale or lease of the vehicle with the customer, the negotiating comprising offering

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the plurality of possible remote control feature packages to the customer, accepting an order for the customer-selected remote control feature package from the customer, and enabling wirelessly the customer-selected remote control feature package for the universal remote control device. This is simply not found in the Treyz et al. patent. In response to Appellant's prior argument, the Examiner curiously invited Appellant to "pray to the patent gods that this is not what [Appellant] believes is novel about the invention. For it is with certainty the primary reference teaches a car that this step is taught." Accordingly, independent Claims 1 and 16 are patentable over Treyz et al. for this reason also.

Independent Claims 1, 16, and 27 are patentable for the critical deficiencies of the prior art Treyz et al. highlighted above. Their respective dependent claims, which recite yet further distinguishing features, are also patentable, and require no further discussion herein.

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CONCLUSIONS

In view of the foregoing arguments, it is submitted that all of the claims are patentable over the prior art. Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the earlier unfavorable decision by the Examiner.

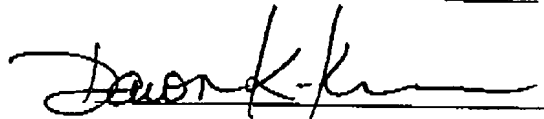
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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 7th day of November, 2007.



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APPENDIX A - CLAIMS ON APPEAL
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1. A method of providing a customer-selected remote control feature package in a vehicle, the method comprising:

- installing a universal remote control device in the vehicle, the universal remote control device comprising a controller and a wireless receiver cooperating therewith for permitting wireless enabling of the customer-selected remote control feature package from among a plurality of possible remote control feature packages;
- negotiating sale or lease of the vehicle with the customer and comprising
 - offering the plurality of possible remote control feature packages to the customer, and
 - accepting an order for the customer-selected remote control feature package from the customer; and
 - wirelessly enabling the customer-selected remote control feature package for the universal remote control device.

2. A method according to Claim 1 further comprising delivering the vehicle to the customer after negotiating and prior to wirelessly enabling.

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3. A method according to Claim 1 wherein installing is performed prior to negotiating.

4. A method according to Claim 1 wherein installing is performed after negotiating.

5. A method according to Claim 1 wherein the plurality of possible remote control feature packages have respective different offering prices; and wherein the customer-selected remote control feature package has a negotiated price associated therewith.

6. A method according to Claim 5 wherein negotiating and wirelessly enabling are performed by respective different entities; and further comprising sharing revenue between the different entities and based on the negotiated price for the customer-selected remote control feature package.

7. A method according to Claim 5 further comprising providing the universal remote control device; wherein the installing, negotiating, and wirelessly enabling are provided by respective different entities; and further comprising sharing revenue between the different entities and based on the negotiating price for the customer-selected remote control feature package.

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8. A method according to Claim 7 wherein the providing and wirelessly enabling are provided by a same entity.

9. A method according to Claim 1 wherein negotiating is performed by a vehicle dealer; and wherein installing is performed after vehicle delivery to the vehicle dealer.

10. A method according to Claim 1 wherein negotiating is performed by a vehicle dealer; and wherein installing is performed prior to vehicle delivery to the vehicle dealer.

11. A method according to Claim 1 wherein installing comprises installing the universal remote control device to perform at least one of security, remote keyless entry and remote engine starting features associated with respective customer-selected remote control feature packages.

12. A method according to Claim 11 wherein security comprises vehicle position tracking.

13. A method according to Claim 12 wherein the universal remote control device comprises a GPS receiver for performing the vehicle position tracking.

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14. A method according to Claim 1 wherein the wireless receiver comprises a cellular radio receiver; and wherein the wirelessly enabling comprises using a cellular radio transmitter.

15. A method according to Claim 1 wherein the vehicle comprises a data communication bus extending therethrough; and wherein installing comprises connecting the universal remote control device to the vehicle data communication bus.

16. A method of providing a customer-selected remote control feature package in a vehicle, the method comprising:

providing a universal remote control device comprising a controller and a wireless receiver cooperating therewith for permitting wireless enabling of the customer-selected remote control feature package from among a plurality of possible remote control feature packages;

installing the universal remote control device in the vehicle;

negotiating sale or lease of the vehicle with the customer and comprising

offering the plurality of possible remote control feature packages to the customer, the plurality of possible remote control feature packages having respective different offering prices, and

accepting an order for the customer-selected remote control feature package from the customer, the

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customer-selected remote control feature package having a negotiated price associated therewith;

wirelessly enabling the customer-selected remote control package for the universal remote control device; and wherein providing, installing, negotiating and wirelessly enabling are performed by a plurality of different entities and further comprising sharing revenue among the different entities based on the negotiated customer-selected remote control feature package.

17. A method according to Claim 16 further comprising delivering the vehicle to the customer after negotiating and prior to wirelessly enabling.

18. A method according to Claim 16 wherein installing is performed prior to negotiating.

19. A method according to Claim 16 wherein installing is performed after negotiating.

20. A method according to Claim 16 wherein the providing and wirelessly enabling are provided by a same entity.

21. A method according to Claim 16 wherein negotiating is performed by a vehicle dealer; and wherein installing is performed after vehicle delivery to the vehicle dealer.

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22. A method according to Claim 16 wherein negotiating is performed by a vehicle dealer; and wherein installing is performed prior to vehicle delivery to the vehicle dealer.

23. A method according to Claim 16 wherein installing comprises installing the universal remote control device to perform at least one of security, remote keyless entry and remote engine starting features associated with respective customer-selected remote control feature packages.

24. A method according to Claim 23 wherein security comprises vehicle position tracking.

25. A method according to Claim 16 wherein the wireless receiver comprises a cellular radio receiver; and wherein the wirelessly enabling comprises using a cellular radio transmitter.

26. A method according to Claim 16 wherein the vehicle comprises a data communication bus extending therethrough; and wherein installing comprises connecting the universal remote control device to the vehicle data communication bus.

27. A system for providing a customer-selected remote control feature package in a vehicle, the system comprising:

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a universal remote control device for installation in the vehicle, said universal remote control device comprising a controller and a wireless receiver cooperating therewith for permitting wireless enabling of the customer-selected remote control feature package from among a plurality of possible remote control feature packages; and

a customer-selected remote control feature package processing station for

receiving an order for the customer-selected remote control feature package,

wirelessly enabling the customer-selected remote control package for the universal remote control device based upon the order, and

sharing revenue among different entities based upon the customer-selected remote control feature package.

28. A system according to Claim 27 wherein said customer-selected remote control feature package processing station comprises an accounting database for sharing the revenue.

29. A system according to Claim 27 wherein said universal remote control device performs at least one of security, remote keyless entry and remote engine starting features associated with respective customer-selected remote control feature packages.

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30. A system according to Claim 27 wherein said universal remote control device comprises a GPS receiver for performing vehicle position tracking.

31. A system according to Claim 27 wherein said wireless receiver comprises a cellular radio receiver; and wherein said processing station wirelessly enables the customer-selected remote control feature package using a cellular radio transmitter.

32. A system according to Claim 27 wherein the vehicle comprises a data communication bus extending therethrough; and wherein said universal remote control device interfaces to the vehicle data communication bus.

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APPENDIX B - EVIDENCE APPENDIX
PURSUANT TO 37 C.F.R. § 41.37(c)(1)(ix)

None.

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APPENDIX C - RELATED PROCEEDINGS APPENDIX
PURSUANT TO 37 C.F.R. § 41.37(c)(1)(x)

None.